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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,886	07/22/2003	Ki-Hyub Sung	1572.1134	6386

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EXAMINER

SCHULTERBRANDT, KOFI A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/623,886

Applicant(s)

SUNG, KI-HYUB

Examiner

Kofi A. Schullerbrandt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7-15 and 18 is/are pending in the application.
- 4a) Of the above claim(s) 5, 6, 16 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 7, 10-15 and 18 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>072203</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This first Office Action on the merits is in response to Applicant's Amendment received in the Office on June 3, 2004 in this case.

Election/Restrictions

Applicant's election with traverse of claims 1-18 in the reply filed on June 3, 2004 is acknowledged. The traversal is on the ground(s) that although each species is distinct, they are all from the same "field of technology". This is not found persuasive because the examiner may experience an undue burden searching in the same field of technology as there are no guarantees as to the bounds of the "same field of technology" with regard to the technology classification system within which the examiner searches. The requirement is still deemed proper and is therefore made FINAL.

Claims 5, 6, 16 and 17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on June 3, 2004.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers (Republic of Korea 2002-68265 11/05/2002) have been placed of record in the file.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on July 22, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. claim 18 recites "wherein the locking position cannot be achieved if the base is not removed from the mounting surface". However, not every mounting surface will support the invention in the claimed manner. For example, the locking position can be achieved if the mounting surface has a hole therein (corresponding to the hole in the base) that allows the lock member to enter the support surface without interference while supporting the remainder of the base. Furthermore, the disclosure appears to teach that locking (and not the "locking position") is prevented when the lock is pivoted by, for example, a supporting surface. Correction or clarification is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 7, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Wen (6,517,040). Wen teaches each feature of the claimed invention as shown below. Regarding claim 7, the recitation "only when the base member is removed from the mounting surface" is functional and does not further limit the claim or add any further structural limitation to the claim. No weight has been given to this phrase. Regarding claim 10 and 11, Wen teaches a base clamp fixable to any surface orientation including horizontal and vertical surfaces.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by Bailey et al. (4,616,218). Bailey et al. teach each feature of the claimed invention explicitly, implicitly or inherently. In moving offices and packing a monitor, for example, in a box, one inherently removes a base from a surface such as a desk top. Furthermore, Bailey et al. teaches a movable member (120) and a stationary member (118). Bailey et al. also teach a screw (132) that locks the movable part relative to the stationary part, the

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movable part downward sliding along the stationary part and locks in position whenever the screw is tightened. Moreover, claim 18 recites "wherein the locking position cannot be achieved if the base is not removed from the mounting surface". Bailey et al. teach an apparatus that by the choice of the operator, locking or no locking is possible both when the base is on the support surface and when it is removed.

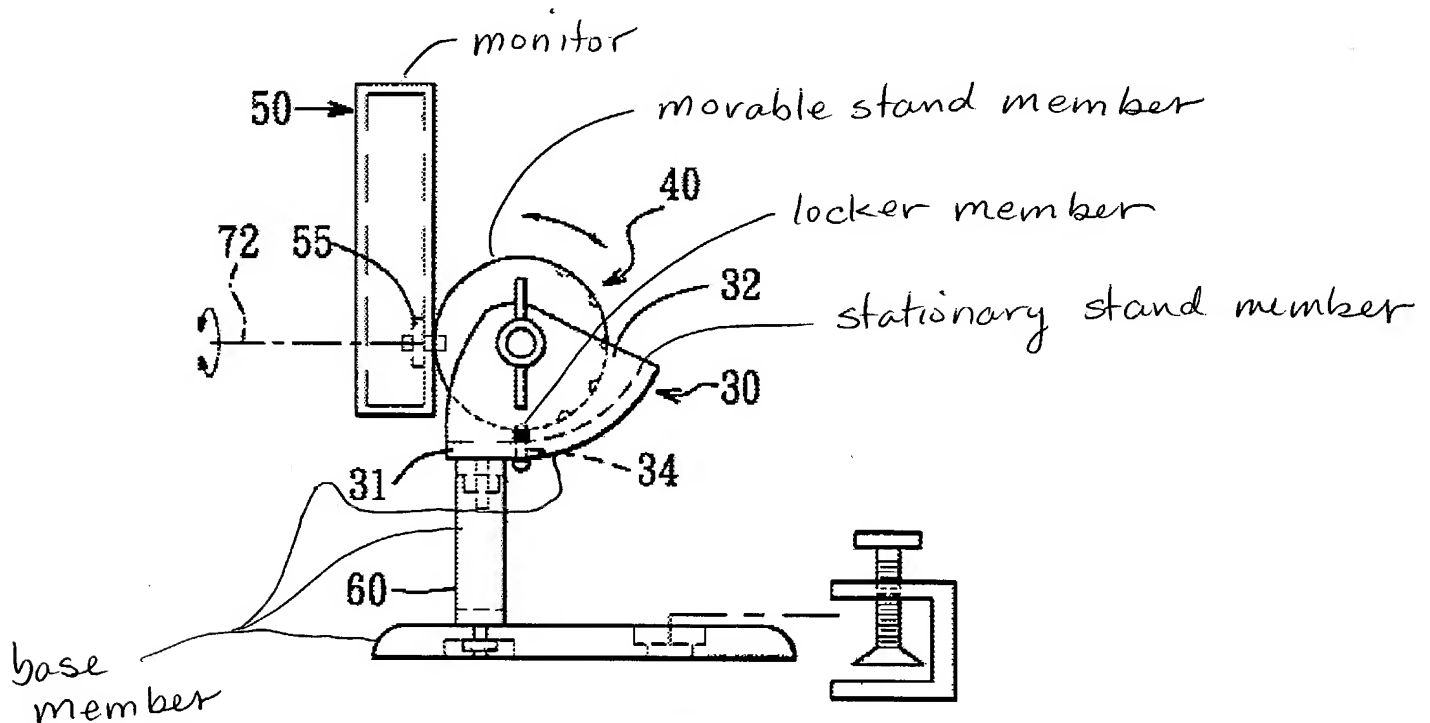


FIG. 2

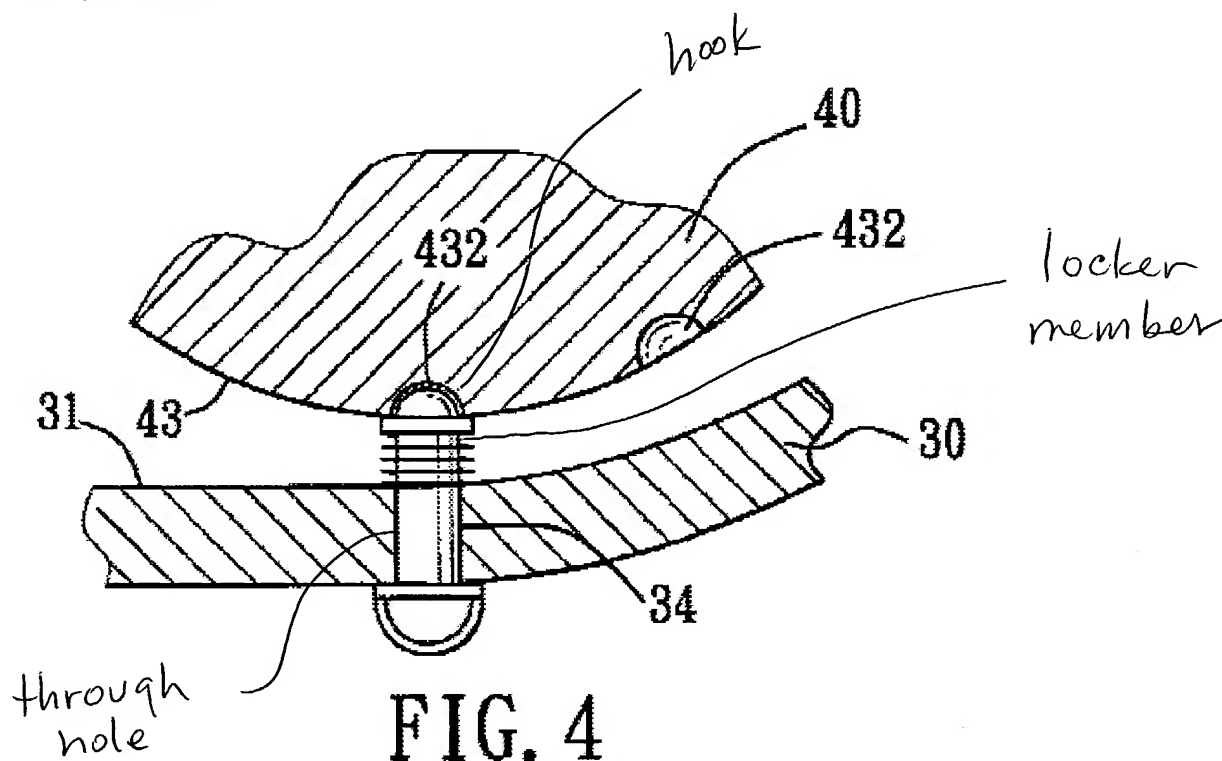


FIG. 4

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wen (6,517,040), in view of Rausch et al. (U.S. Pat. Pub. 2004/0026975). Wen teaches, substantially, each feature of the claimed invention except a locker hingedly attached to the stationary stand. Rausch et al., however, teaches an elastically biased detent member having a hinge attachment. It would have been obvious to one of

ordinary skill in the art at the time of invention to have modified Wen's detent member to be the claimed lock member as taught by Rausch et al. who teach a pinned (155), pivoting, hooked (141), hinged detent member which could obviously have been attached to Wen's stationary member as taught by Rausch et al. as a pinned pivoting detent member would function equivalently to Wen's existing linear detent member (34).

Allowable Subject Matter

Claims 3, 4, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Indicating Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: Regarding claims 3 and 4, the prior art of record does not teach, in combination with the other feature of claim 2, a base member, a stationary stand member, a movable stand member, a through hole formed on the part of the base member, a contacting part, a locker elastically coupled with the through hole and a hinge part rotatably supporting the contacting part and the locker relative to the stationary stand member. Regarding claims 8 and 9, the prior art of record does not teach, in combination with the other feature of claim 7, a locker hingedly attached to the stationary stand member, the locker having a hook elastically biased to contact the

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movable stand member and a contact portion elastically biased to protrude through the base member.

Prior Pertinent Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '040 to Wen; '362 to Helgeland; '010 to Helgeland et al.; '985 to Hoenig; '585 to Watanabe et al.; '446 to Kawai; and '218 to Bailey et al. each teach monitor support means. And '173 to Hahnewald et al. and '975 to Rausch et al. teach pivot hook latch means.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulterbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kofi Schulterbrandt
July 2, 2004



RAMON O. RAMIREZ
PRIMARY EXAMINER
ART UNIT 355 3632